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May 1, 2012

VIA ECF AND FAX

Hon. Cathy L. Waldor, U.S.M.J.
United States District Court
King Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

**Re: *BanxCorp v. Bankrate, Inc.*, Civ. No. 07-3398 (ES-CLW)
BanxCorp v. LendingTree, LLC, Civ. No. 10-2467 (ES-CLW)**

Dear Judge Waldor:

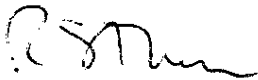
This firm represents Bankrate, Inc. ("Bankrate") in the referenced action. As the Court directed, I enclose a draft order memorializing Your Honor's rulings regarding scheduling of fact and expert discovery during the telephone conference held on April 27, 2012.

Counsel for Plaintiff BanxCorp objects to the form of order enclosed. Counsel has suggested the following language with respect to the service of expert reports in the LendingTree action (No. 10-2467):

In BanxCorp v. LendingTree, LLC (no. 10-2467), LendingTree shall serve an affirmative expert report on or before June 29, 2012; a responding expert report, if any, shall be served by BanxCorp on or before July 31, 2012.

We do not believe that this accurately reflects Your Honor's rulings and we have not included this language in the draft order. Counsel has also suggested that depositions of experts should be completed by August 20, 2012, instead of August 31, 2012 as contemplated in the enclosed order. We have suggested August 31, 2012 because of the expected schedule conflicts that will arise in August

Respectfully submitted,


R. Scott Thompson

cc: All Counsel (ECF)

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398 (ES)

* * * * *

BANXCORP,

Plaintiff,

vs.

LENDINGTREE, LLC,

Defendant.

Civil Action No. 10-2467 (ES)

ORDER AMENDING PRETRIAL SCHEDULING ORDER

Counsel for the parties in this case participated in a telephonic status conference on April 27, 2012 concerning extension of the discovery deadlines set forth in the April 4, 2011 Pretrial Scheduling Order in Civil Action No. 10-2467 (as amended by orders entered on June 29, 2011, November 14, 2011, and March 20, 2012, the "Pretrial Scheduling Order") which was

made applicable to these consolidated proceedings by order entered on August 31, 2011. For the reasons given on the record

IT IS on this _____ day of May, 2012,

ORDERED that the Pretrial Scheduling Order is amended as follows:

1. Paragraph 1 of the Pretrial Scheduling Order is amended to provide that the end of fact discovery shall be May 31, 2012;

2. Paragraph 7 of the Pretrial Scheduling Order is amended to provide that (1) LendingTree LLC shall serve an expert report in *BanxCorp v. LendingTree, LLC* (no. 10-2467) on or before July 31, 2012, and (2) expert reports in support of affirmative claims in *BanxCorp v. Bankrate, Inc.* (no. 07-3398) shall be served on or before June 29, 2012.

3. Paragraph 8 of the Pretrial Scheduling Order is amended to provide that responding reports, if any, in *BanxCorp v. Bankrate, Inc.* (no. 07-3398) shall be served on or before July 31, 2012, and depositions of experts in both actions shall be completed by August 31, 2012.

Hon. Cathy L. Waldor, U.S.M.J..